



GRAY REED®

CHRIS DAVIS

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January 16, 2024

Via: e-filing

United States District Court
Eastern District of New York
Attention: US Magistrate Judge Peggy Kuo

Re: Case no. 1:23-cv-5749 SEC v Schueler et al. *Pro Hac Vice*

Dear Judge Kuo,

On Friday January 12, 2024, our office filed a Motion to Admit Counsel Pro Hac Vice, Affidavit in Support and proposed order granting pro hac vice admission for Chris Davis and Joshua Smeltzer on behalf of Defendants Richard Schueler aka Richard Heart, Hex, Pulsechain, and Pulsex in the above referenced matter. The order was signed today January 16, 2024.

It was brought to our attention after filing there was an error with the Defendant representation. Chris Davis and Joshua Smeltzer only represent Richard Schueler aka Richard Heart and file the corrected documents (exhibits A and B) attached. We respectfully request that the Court to please replace the erroneous filing with these corrected documents showing we represent Defendant Richard Schueler aka Richard Heart only.

Sincerely,

/s/ Chris Davis and Joshua Smeltzer

Chris Davis and Joshua Smeltzer
Gray Reed
1601 Elm Street
Dallas, TX 75201
Counsel for the Defendant

CAD/mf
Exhibits attached

EXHIBIT A

CHRISTOPHER DAVIS CORRECTED *PRO HAC VICE* MOTION, AFFIDAVIT, AND ORDER

CHRISTOPHER A. DAVIS

cdavis@grayreed.com

RICHARD SCHUELER aka RICHARD HEART

1601 Elm St., Suite 4600

Dallas, Texas 75201

Ph: 469.320.6215

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,**

vs.

**RICHARD SCHUELER aka RICHARD
HEART, HEX, PULSECHAIN, and
PULSEX
Defendants.**

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**Case No. 1-23-cv-5749
NOTICE OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

TO: Opposing Counsel

Matthew J. Gulde

PLEASE TAKE NOTICE that upon the annexed affidavit of movant in support of this motion and the Certificate(s) of Good Standing annexed thereto, I Christopher A. Davis will move this Court pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an order allowing the admission of movant, a member of the firm of Gray Reed & McGraw, LLP and a member in good standing of the bar of the State of Texas, as attorney pro hac vice to argue or try this case in whole or in part as counsel for Richard Schueler aka Richard Heart. There are no pending disciplinary proceedings against me in any state or federal court.

DATED: January 16, 2024

Respectfully submitted,

GRAY REED & MCGRAW, LLP

By: /s/ Chris Davis

Christopher A. Davis

State Bar No. 24050483

GRAY REED

1601 Elm Street

Dallas, Texas 75201-3005

Telephone No. (214) 954-4135

Telecopy No. (469) 320-6869

cdavis@grayreed.com

COUNSEL FOR DEFENDANT,

RICHARD SCHUELER aka RICHARD HEART

CHRISTOPHER A. DAVIS
cdavis@grayreed.com
RICHARD SCHUELER aka RICHARD HEART
1601 Elm St., Suite 4600
Dallas, Texas 75201
Ph: 469.320.6215

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,**

vs.

**RICHARD SCHUELER aka RICHARD
HEART, HEX, PULSECHAIN, and
PULSEX
Defendants.**

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Case No. 1-23-cv-5749

**AFFIDAVIT IN SUPPORT OF
MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

I, Christopher A. Davis, being duly sworn, hereby depose and say as follows:

1. I am an attorney with the law firm of Gray Reed & McGraw, LLP.
2. I submit this affidavit of support of my motion for admission to practice *pro hac vice* in the above-captioned matter.
3. As shown, in the Certificate of Good Standing annexed hereto, I am a member in good standing of the bar of the state of Texas.
4. There are no pending disciplinary proceedings against me in any state or federal court.
5. I have not been convicted of a felony.
6. I have not censured, suspended, disbarred or denied admission or readmission by any court.
7. Attorney Registration Number(s) if applicable: _____
8. Wherefore, your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice in case 1*"23-cv-5749, *SEC v Scheler, et al.*, for Defendant, Richard Schueler aka Richard Heart.

DATED: January 16, 2024

Respectfully submitted,

GRAY REED & MCGRAW, LLP

By: 

Christopher A. Davis

State Bar No. 24050483

GRAY REED

1601 Elm Street

Dallas, Texas 75201-3005

Telephone No. (214) 954-4135

Telecopy No. (469) 320-6869

cdavis@grayreed.com

COUNSEL FOR DEFENDANT,

RICHARD SCHUELER aka RICHARD HEART

On January 16, 2024, Christopher A. Davis, a person known to me, personally appeared before me and acknowledged executing the foregoing Affidavit with full authority to do so.




Notary Public

Commission expires:

EXHIBIT A

CERTIFICATE OF GOOD STANDING CHRISTOPHER A. DAVIS

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

January 09, 2024

Re: Mr. Christopher Allen Davis, State Bar Number 24050483

To Whom It May Concern:

This is to certify that Mr. Christopher Allen Davis was licensed to practice law in Texas on November 04, 2005, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

Seana Willing
Chief Disciplinary Counsel
SW/web



The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

Christopher Allen Davis

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 4th day of November, 2005.

I further certify that the records of this office show that, as of this date

Christopher Allen Davis

is presently enrolled with the State Bar of Texas as an active member in good standing.

IN TESTIMONY WHEREOF witness my signature



and the seal of the Supreme Court of Texas at the City of Austin, this, the 9th day of January, 2024.

BLAKE HAWTHORNE, Clerk

Blake A. Hawthorne
Clerk, Supreme Court of Texas

No. 5338C.1

CHRISTOPHER A. DAVIS

cdavis@grayreed.com

RICHARD SCHUELER aka RICHARD HEART

1601 Elm St., Suite 4600

Dallas, Texas 75201

Ph: 469.320.6215

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,**

vs.

**RICHARD SCHUELER aka RICHARD
HEART, HEX, PULSECHAIN, and
PULSEX
Defendants.**

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**Case No. 1-23-cv-5749
ORDER FOR ADMISSION
*PRO HAC VICE***

The motion of Christopher A. Davis, for admission to practice *Pro Hac Vice* in the above captioned action is granted. Applicant has declared that he is a member in good standing of the bar of the State of Texas and that his contact information is as follows:

Christopher A. Davis
State Bar No. 24050483
GRAY REED
1601 Elm Street
Dallas, Texas 75201-3005
Telephone No. (214) 954-4135
Fax (469) 320-6869
cdavis@grayreed.com

Applicant having requested admission Pro Hac Vice to appear for all purposes as counsel for Defendant Richard Schueler aka Richard Heart in the above-entitled action.

IT IS HEREBY ORDERED that Applicant to practice Pro Hac Vice in the above captioned case in the United States District Court for the Eastern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys.

DATED: _____

U.S. District Court Judge

EXHIBIT B

JOSHUA SMELTZER CORRECTED *PRO HAC VICE* MOTION, AFFIDAVIT, AND ORDER

Joshua D. Smeltzer
jsmeltzer@grayreed.com
RICHARD SCHUELER aka RICHARD HEART
1601 Elm St., Suite 4600
Dallas, Texas 75201
Ph: 469.320.6215

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,**

vs.

**RICHARD SCHUELER aka RICHARD
HEART, HEX, PULSECHAIN, and
PULSEX
Defendants.**

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**Case No. 1-23-cv-5749
NOTICE OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

TO: Opposing Counsel

Matthew J. Gulde

PLEASE TAKE NOTICE that upon the annexed affidavit of movant in support of this motion and the Certificate(s) of Good Standing annexed thereto, I Joshua D. Smeltzer will move this Court pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an order allowing the admission of movant, a member of the firm of Gray Reed & McGraw, LLP and a member in good standing of the bar of the State of Texas, and State of Maryland, as attorney pro hac vice to argue or try this case in whole or in part as counsel for Richard Schueler aka Richard Heart. There are no pending disciplinary proceedings against me in any state or federal court.

DATED: January 16, 2024

Respectfully submitted,

GRAY REED & MCGRAW, LLP

By: /s/ Joshua D. Smeltzer

Joshua D. Smeltzer

State Bar No. 24113859

GRAY REED

1601 Elm Street

Dallas, Texas 75201-3005

Telephone No. (214) 954-4135

Telecopy No. (469) 320-6869

jsmeltzer@grayreed.com

COUNSEL FOR DEFENDANT,

RICHARD SCHUELER aka RICHARD HEART

Joshua D. Smeltzer
jsmeltzer@grayreed.com
RICHARD SCHUELER aka RICHARD HEART
1601 Elm St., Suite 4600
Dallas, Texas 75201
Ph: 469.320.6215

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,**

vs.

**RICHARD SCHUELER aka RICHARD
HEART, HEX, PULSECHAIN, and
PULSEX
Defendants.**

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Case No. 1-23-cv-5749

**AFFIDAVIT IN SUPPORT OF
MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

I, Joshua Smeltzer, being duly sworn, hereby depose and say as follows:

1. I am an attorney with the law firm of Gray Reed & McGraw, LLP.
2. I submit this affidavit of support of my motion for admission to practice *pro hac vice* in the above-captioned matter.
3. As shown, in the Certificate of Good Standing annexed hereto, I am a member in good standing of the bar of the State of Texas and the State of Maryland.
4. There are no pending disciplinary proceedings against me in any state or federal court.
5. I have not been convicted of a felony.
6. I have not been censured, suspended, disbarred or denied admission or readmission by any court.
7. Attorney Registration Number(s) if applicable: _____
8. Wherefore, your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice in case 1-23-cv-5749, SEC v Scheler, et al.*, for Defendant, Richard Schueler aka Richard Heart.

DATED: January 16, 2024

Respectfully submitted,

GRAY REED & MCGRAW, LLP

By: 

Joshua D. Smeltzer

State Bar No. 24113859

GRAY REED

1601 Elm Street

Dallas, Texas 75201-3005

Telephone No. (214) 954-4135

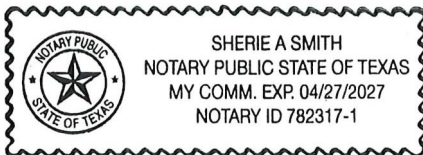
Telecopy No. (469) 320-6869

jsmeltzer@grayreed.com

COUNSEL FOR DEFENDANT,

RICHARD SCHUELER aka RICHARD HEART

On January 16, 2024, Joshua D. Smeltzer, a person known to me, personally appeared before me and acknowledged executing the foregoing Affidavit with full authority to do so.




Notary Public

Commission expires:

EXHIBIT A

CERTIFICATES OF GOOD STANDING JOSHUA D. SMELTZER

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

January 09, 2024

Re: Joshua David Smeltzer, State Bar Number 24113859

To Whom It May Concern:

This is to certify that Joshua David Smeltzer was licensed to practice law in Texas on May 02, 2019, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

Seana Willing
Chief Disciplinary Counsel
SW/web



The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

Joshua David Smeltzer

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 2nd day of May, 2019.

I further certify that the records of this office show that, as of this date

Joshua David Smeltzer

is presently enrolled with the State Bar of Texas as an active member in good standing.

IN TESTIMONY WHEREOF witness my signature



and the seal of the Supreme Court of Texas at the City of Austin, this, the 9th day of January, 2024.

BLAKE HAWTHORNE, Clerk

Blake A. Hawthorne
Clerk, Supreme Court of Texas

No. 5371C.1

Supreme Court of Maryland

Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

I, Gregory Hilton, Clerk of the Supreme Court of Maryland, do hereby certify that on the fifteenth day of December, 2004,

Joshua David Smeltzer

having first taken and subscribed the oath prescribed by the Constitution and Laws of this State, was admitted as an attorney of said Court, is now in good standing, and as such is entitled to practice law in any of the Courts of said State, subject to the Rules of Court. This certificate of good standing is valid through the ninth day of March, 2024.



In Testimony Whereof, I have hereunto set my hand as Clerk, and affixed the Seal of the Supreme Court of Maryland, this ninth day of January, 2024.

A handwritten signature in cursive script, reading "Gregory Hilton".

Clerk of the Supreme Court of Maryland

Joshua D. Smeltzer
jsmeltzer@grayreed.com
RICHARD SCHUELER aka RICHARD HEART
1601 Elm St., Suite 4600
Dallas, Texas 75201
Ph: 469.320.6215

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
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Plaintiff,**

vs.

**RICHARD SCHUELER aka RICHARD
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**Case No. 1-23-cv-5749
ORDER FOR ADMISSION
*PRO HAC VICE***

The motion of Joshua D. Smeltzer, for admission to practice *Pro Hac Vice* in the above captioned action is granted. Applicant has declared that he is a member in good standing of the bar of the State of Texas and the State of Maryland and that his contact information is as follows:

Joshua D. Smeltzer
State Bar No. 24113859
GRAY REED
1601 Elm Street
Dallas, Texas 75201-3005
Telephone No. (214) 954-4135
Fax (469) 320-6869
jsmeltzer@grayreed.com

Applicant having requested admission Pro Hac Vice to appear for all purposes as counsel for Defendant Richard Schueler aka Richard Heart in the above-entitled action.

IT IS HEREBY ORDERED that Applicant to practice *Pro Hac Vice* in the above captioned case in the United States District Court for the Eastern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys.

DATED: _____

U.S. District Court Judge